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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 22nd November, 1972:—

II

BILL No. XXXIX OF 1972

A Bill to provide for authorised translations of Central laws in certain languages.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Authorised Translations (Central Laws) Act, 1972.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Authorised translations of Central laws in certain languages.

2. A translation in any language (other than Hindi) specified in the Eighth Schedule to the Constitution, published under the authority of the President in the Official Gazette,—

(*a*) of any Central Act or of any Ordinance promulgated by the President, or

(*b*) of any order, rule, regulation or bye-law issued under the Constitution or under any Central Act.

shall be deemed to be the authorised translation thereof in such language,

Power to make rules.

3. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Authorised translations of the various Central laws in State official languages would be extremely useful to the general public and also for official purposes of the States, which have adopted languages other than Hindi and English as official languages of their States. Therefore, when the Official Language (Legislative) Commission was first constituted in 1961, it was also entrusted with the function of arranging for translation of Central Acts, Ordinances and regulations into the various official languages of the States. According to the existing arrangements, the translation in a State official language is prepared by or under the auspices of the Government of the State concerned and finalised by the Official Language (Legislative) Commission in consultation with the translating authority. In the absence of any legal provision for their authentication and publication, such translations can have no legal status and their utility would be limited.

It is, therefore, necessary to make provision for the publication of authorised translations of Central Acts, Ordinances as also of orders, rules, regulations and bye-laws issued under the Constitution or under any Central Act, in State official languages. Hence this Bill.

NEW DELHI;

The 9th November, 1972.

RAM NIWAS MIRDHA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the authorised translation of any Central Act or Ordinance promulgated by the President and of any order, rule, regulation or bye-law issued under the Constitution or under any Central Act in languages other than Hindi specified in the Eighth Schedule to the Constitution. This would involve expenditure from the Consolidated Fund of India.

2. The Legislative Department, Ministry of Law and Justice, have already made arrangements for the translation of Central Acts into all the official languages of the States through the agencies set up by the States themselves. Under an arrangement arrived at between the Legislative Department and the State Governments, translations of Central Acts are to be prepared by State agencies and submitted to the Official Language (Legislative) Commission, Ministry of Law and Justice, in a final form for its approval. The States will be reimbursed at the rate of Rs. 40 per page of 400 words. Estimating the total number of pages of Central Acts as being about 10,000 pages, the expenditure on translation in one language will be approximately Rs. 4 lakhs. For the eleven official languages the total expenditure will be roughly Rs. 44 lakhs on the translation of existing Central Acts alone. The expenditure will be spread over a number of years.

3. The translation of orders, rules, regulations and bye-laws issued under the Constitution or under any Central Act has not been taken up so far. However, assuming that at the relevant time there are about 30,000 pages of such legislation and the procedure adopted therefor is the same as has been adopted for Acts, the expenditure on translation of the same in 11 languages, at Rs. 40 per page of translation in one language, is estimated to be Rs. 1,32,00,000 (30,000 x 40 x 11). This expenditure will be incurred after some time and will be spread over a number of years.

4. The translations will have to be kept up-to-date and new laws will also have to be translated. The expenditure on this account, which will be of a recurring nature, will vary from year to year according to the volume of legislation and subordinate legislation in that year. Assuming that the total volume will be, on the average, about 3,000 pages per year, the expenditure on the translation of the same in 11 languages, at Rs. 40 per page of translation in one language, is estimated to be Rs. 13,20,000 (3,000 x 40 x 11).

5. The expenditure mentioned above does not take into account the expenditure which is incurred on the maintenance of the State language units in the Official Language (Legislative) Commission. The Commission provides the co-ordination and supervision necessary for the work. A State language unit in the Commission consists of a Member, a Draftsman and a Stenographer or a Typist. The total annual expenditure on one language unit may roughly be Rs. 60,000. After making provision for travelling allowances and various sundries, the annual expenditure on all State language units may be roughly Rs. 7½ lakhs.

6. The expenditure as indicated in the preceding paragraphs has been calculated on the basis of the number of existing State official languages. The expenditure will increase proportionately if any language in the

Eighth Schedule which is not at present the official language of any State is recognised as such hereafter.

7. The Bill does not involve any expenditure of a non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to confer on the Central Government general rule-making powers on the same lines as in other Acts of Parliament. The rules that will be made in pursuance of this clause will relate to matters of procedure regarding the publication of the translations under the authority of the President. The delegation of legislative power is, therefore, of a normal character.

II

BILL NO. XXXVII OF 1972

A Bill further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Cinematograph (Amendment) Act, 1972.

Amendment of section 1.

37 of 1952.

2. In the Cinematograph Act, 1952 (hereinafter referred to as the principal Act), in section 1,—

(*i*) in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted:

(*ii*) to sub-section (3), the following proviso shall be added, namely:—

"Provided that Parts I and II shall come into force in the State of Jammu and Kashmir only on such date after the commencement of the Cinematograph (Amendment) Act, 1972, as the Central Government may, by notification in the Official Gazette, appoint.".

Insertion of new section 2A.

3. In Part I of the principal Act, after section 2, the following section shall be inserted, namely:—

Construction of references to any law not in force or any functionary not in existence in the State of Jammu and Kashmir.

"2A. Any reference in this Act to any law which is not in force, or any functionary not in existence, in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State,".

Amendment of section 8.

4. In section 8 of the principal Act, for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) Every rule made by the Central Government under this Part shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

Repeal and saving.

5. (*1*) On and from the date on which the provisions of Parts I and II of the principal Act come into force in the State of Jammu and Kashmir, the provisions of the Jammu and Kashmir Cinematograph Act, 1989, in so far as they relate to the sanctioning of cinematograph films for exhibition, shall stand repealed. Jammu and Kashmir Act 24 of 1989. (1933 A.D.)

(*2*) The repeal by sub-section (*1*) of the provisions of the Jammu and Kashmir Cinematograph Act, 1989, in so far as they relate to the sanctioning of cinematograph films for exhibition, shall not affect—

(*a*) the previous operation of the provisions so repealed or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions so repealed; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the provisions so repealed; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said provisions had not been repealed:

Provided that anything done or any action taken (including any appointment made, notification issued or rule made) under the provisions so repealed shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act and now extended to the State of Jammu and Kashmir and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Cinematograph Act, 1952 (37 of 1952), in so far as it relates to certification of films for public exhibition falls under entry 60 of the Union List of the Seventh Schedule to the Constitution, namely, sanctioning of cinematograph films for exhibition. The Government of the State of Jammu and Kashmir have recently concurred in the application of this entry to that State for the purpose of extending thereto the aforesaid provisions of the Cinematograph Act, 1952. Accordingly, this entry was made applicable to that State by the Constitution (Application to Jammu and Kashmir) Amendment Order, 1972. It is now proposed to extend the relevant provisions, namely, Parts I and II of the Act, to the State of Jammu and Kashmir so as to ensure uniformity in the matter of certification of films for public exhibition.

2. Opportunity is being taken to modify sub-section (3) of section 8 relating to laying of rules before each House of Parliament so as to bring it into conformity with the model provision that has been settled recently.

3. The Bill seeks to achieve the above objects.

NEW DELHI;
The 15th November, 1972.

INDER KUMAR GUJRAL.

B. N. BANERJEE,
Secretary.

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